

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

0365-0609PUS1

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on _____

Signature _____

Typed or printed name _____

Application Number

10/512,048

Filed

October 21, 2004

First Named Inventor

Kari PULKKINEN

Art Unit

3691

Examiner

Hani M. KAZIMI

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 29680

703-205-8000

Telephone number

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

September 20, 2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.

Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

Kari PULKKINEN et al.

Application No.: 10/512,048

Confirmation No.: 8405

Filed: October 21, 2004

Art Unit: 3691

For: METHOD FOR CONTROLLING
SUBSCRIBER ACCOUNTS IN
CONNECTION WITH A PRE-PAID IN
PLATFORM, AND A PRE-PAID MEDIATOR

Examiner: Hani M. KAZIMI

ARGUMENTS IN SUPPORT OF PRE-APPEAL BRIEF REVIEW

MS AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On page 2 of the Office action ("Action"), the Examiner rejects claims 17-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0156732 to Odijk et al. ("Odijk") in view of U.S. Patent Application Publication No. 2002/0029189 to Titus et al. ("Titus"), further in view of U.S. Patent No. 6,760,417 to Wallenius ("Wallenius"). Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. § 103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria must be met. First, there must be some rationale to combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, claims 17-21 and 23 are patentable over the combination of Odijk, Titus, and Wallenius for at least the reason that the combination fails to disclose each and every claimed element. For example, the combination of Odijk, Titus, and Wallenius fails to disclose or suggest converting the received charge data and service code into a predefined format, including a B-number and a time definition, as claimed.

In the Advisory Action mailed August 17, 2010, the Examiner asserts that Applicant's argument is not persuasive because "it is old and well known in telecommunications arts, the charge data includes at least a B-number and time definition." To support his assertion, the Examiner points to U.S. Patent No. 5,218,632 to Cool ("Cool"). Therefore, the Examiner concludes that it would have been obvious to one skilled in the art "that the converted charge data include at least a B-number and a time duration as these are well known charging data in telecommunications." Applicants respectfully disagree for the following reasons.

First, it is unclear from the Examiner's statement whether he is asserting that (1) it is inherent that the converted charging data of Wallenius includes a B-number and a time definition or that (2) it would have been obvious to modify the combination of Odijk, Titus, and Wallenius to include converting the received charge data and service code into a predefined format including at least a B-number and a time definition. In either case, Applicant respectfully disagrees.

Although Wallenius discloses a method and system for charging a subscriber in a telecommunications network which includes converting event data or charging data received from a node, by applying the network charging algorithms, to provide a real-time, charging data format understandable to the subscriber's billing unit, nowhere in Wallenius is there any disclosure or suggestion of the converted charge data including a B-number and a time definition as claimed. To the contrary, Wallenius specifically discloses that the converted charge data is "expressed as an amount of money spent or as charging pulses." See column 2, lines 18-20 of Wallenius. Accordingly, the converted charge data of Wallenius does not inherently include a B-number and a time definition.

Regarding the Examiner's assertion that it is old and well known that charge data include a B-number and time definition, Applicants note that the claimed method includes converting, in the charging module, the received charge data and service code into a predefined format including a B-number and a time definition. Therefore, the mere fact that it is known in the telecommunications arts to use, *inter alia*, a B-number and time duration as charging data is not equivalent to receiving charge data and then converting the receiving charge data in a predefined format as claimed.

Since Odijk, Titus, and Wallenius each fail to disclose or suggest converting the received charge data and service code into a predefined format, including a B-number and a time

definition, as claimed, the combination of these three references cannot possibly disclose or suggest said elements. Therefore, even if one skilled in the art had some rationale to combine Odijk, Titus, and Wallenius (which Applicants do not concede), the combination would still fail to render claims 17-21 and 23 unpatentable because the combination fails to disclose each and every claimed element.

Dated: September 20, 2010

Respectfully submitted,

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